

APPENDIX

FILED

AUG 10 1977

SHERRILL BROWN, JR., CLERK

IN THE

Supreme Court of the United States

OCTOBER TERM, 1976

No. 76-1310

**THOMAS L. HOUCHINS, SHERIFF OF THE
COUNTY OF ALAMEDA, CALIFORNIA,**

Petitioner,

—v.—

KQED, INC., et al.,

Respondents.

ON WRIT OF CERTIORARI TO THE UNITED STATES
COURT OF APPEALS FOR THE NINTH CIRCUIT

**PETITION FOR CERTIORARI FILED MARCH 22, 1977
CERTIORARI GRANTED MAY 23, 1977**

APPENDIX

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Docket Entries**1975**

June 17 Complaint filed, Summons Issued
June 17 Notice of Motion for Preliminary Injunction filed
July 9 Answer to Complaint filed
July 10 Defendant's Memorandum in Opposition to Motion for Preliminary Injunction filed
July 15 Plaintiff's Reply Memorandum filed
July 24 Plaintiff's Second Supplemental Reply Memorandum filed
July 28 Clerk's Notice of Continuing Hearing on Motion for Preliminary Injunction to July 30, 1975, filed
July 28 Plaintiff's Supplemental Reply Memorandum filed
November 10 Minute Order: Motion for Preliminary Injunction Submitted
November 20 Preliminary Injunction Issued
November 20 Memorandum and Order Granting Motion Preliminary Injunction
December 4 Notice of Appeal by Defendant filed
December 5 Order From Ninth Circuit Court of Appeals staying District Court's Preliminary Injunction for 10 Days, or Until Appellant's Application is Determined, filed (Duniway, J.)

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1976

January 12 Order from Ninth Circuit Court of Appeals, Denying Modification or Clarification of Stay Order and Granting Expendition

January 16 Certified copy of Order from Ninth Circuit Court of Appeals: Upon due consideration, the Petition for Stay of Injunction Pending Appeal is granted. Should the injunction be modified by the District Court, this Court will entertain a motion to lift the stay (Chambers and Snead, JJ)

January 21 Record on Appeal mailed to Ninth Circuit Court of Appeals

APPENDIX

WILLIAM BENNETT TURNER
 LOWELL JOHNSTON
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Attorneys for Plaintiffs

ORIGINAL
FILED

June 17, 1975

Clerk, U.S. Dist. Court
San Francisco

IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA

KQED, INC., ALAMEDA BRANCH and
 OAKLAND BRANCH, NATIONAL ASSOC-
 IATION FOR THE ADVANCEMENT OF
 COLORED PEOPLE,

Plaintiffs,

vs.

THOMAS L. HOUCHINS, individually
 and in his capacity as Sheriff
 of Alameda County,

Defendant.

Civil Action No.
C 75 1257 SAW

COMPLAINT FOR EQUITABLE RELIEF
 (Civil Rights)

JURISDICTION

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §1343 (3). This is a suit authorized by 42 U.S.C. §1983 to redress the deprivation by defendant, acting under color of state law, of plaintiffs' rights, privileges and immunities secured by the First Amendment and the due process and equal protection clauses of the Fourteenth Amendment to the Constitution of the United States.

PARTIES

2. Plaintiff KQED, Inc. is a California non-profit corporation engaged in educational television and radio broadcasting. Publicly-supported, KQED serves the counties in the San Francisco Bay Area. KQED maintains a regular daily television news program on Channel 9, entitled "Newsroom".

3. Plaintiffs Alameda Branch and Oakland Branch of the National Association for the Advancement of Colored People ("NAACP") are unincorporated associations, and local branches of the national NAACP. Their members reside in Alameda and Oakland in Alameda County, California. The NAACP plaintiffs, on their own behalf and on behalf of black people generally, have a long-standing dedication to bringing about equal justice under law, including equal justice for persons accused of crime and held in jails. Their members have a special concern with conditions at the Alameda County jail at Santa Rita, because the prisoner population at the jail is disproportionately black. They depend on the public media to keep them informed of such conditions so that they can meaningfully participate in the current public debate on jail conditions in Alameda County and many of the NAACP plaintiffs' members rely regularly on KQED's Newsroom program to keep them informed on these issues.

4. Defendant Thomas L. Houchins is the Sheriff of Alameda County. He is sued individually and in his capacity as Sheriff. As Sheriff, defendant Houchins has general supervision and control of the Alameda County jail facilities at Santa Rita.

CLAIMS FOR RELIEF

5. KQED's Newsroom program has had a long-standing concern with prisons and jails in the San Francisco Bay Area. It has reported regularly on newsworthy events at San Quentin State Prison, Soledad Prison, the San Francisco County jails at San Bruno and in San Francisco, and the Alameda County jail at Santa Rita. Plaintiffs believe that jails and prisons are public institutions managed by public officials who are accountable to the public, and therefore

information concerning such institutions should be reported by the news media when newsworthy events occur.

6. KQED's Newsroom program of March 31, 1975, reported on the suicide of a black inmate named Alvin Holly in one of the cells maintained by defendant Houchins in the Greystone portion of Santa Rita. Newsroom's information was that such suicide occurred two days after an Alameda County Superior Court Judge had ordered a psychiatric examination on Holly's request, but the examination was not in fact provided by defendant's agents or subordinates. By way of background, Newsroom reported also on the previous decision of this Court finding that the Santa Rita facility in which the suicide took place violated "basic standards of human decency" and therefore constituted cruel and unusual punishment. (See *Brenneman v. Madigan*, 343 F. Supp. 128, 132-33 (N.D. Cal. 1972)).

7. In the same program, KQED's Newsroom also reported statements by a psychiatrist assigned to Santa Rita to the effect that cells at the Greystone facility were responsible for the illnesses of his patient-prisoners there. Newsroom also reported the reaction of defendant Houchins to the Holly suicide and the the allegations made by the Santa Rita psychiatrist. Defendant was quoted by Newsroom as denying that the cells were responsible for the illnesses of the prisoners.

8. On March 31, 1975, in connection with the news stories relating the suicide and the allegations of the Santa Rita psychiatrist, Newsroom's Anchorman Melvin S. Wax telephoned defendant Houchins and requested permission to inspect the Greystone facility. Defendant flatly refused. When asked the reason, defendant said only that it was "policy".

9. In part as a reaction to the Holly suicide and the allegations of the Santa Rita psychiatrist, the Board of Supervisors of Alameda County ordered an investigation by the County Administrator. The report was received by the Board of Supervisors on May 13, 1975, and this was reported by KQED's Newsroom, but the report did not discuss cell conditions at Greystone. A public hearing on the report and the conditions at Santa Rita was held in Oakland, California,

on May 20, 1975, and this was reported by KQED's Newsroom. The Board of Supervisors ordered another report in 30 days.

10. KQED believes that it is essential to public understanding of the conditions prevailing at the Santa Rita Greystone facility, and the issues of jail reform involving such conditions, that the public be informed in detail of the exact nature of such conditions. The most effective way of informing the public would be by television coverage including filming the actual cells and facilities. The next most effective means of informing the public would be for a media reporter to inspect such cells and facilities, interview prisoners, and report thereon. KQED is ready, willing and able to gather such news and undertake such reporting, but has been barred from doing so by defendant Houchins.

11. The action of defendant Houchins in barring KQED from Greystone is neither necessary nor essential to serve any legitimate governmental interest. Such action is unreasonable, arbitrary and not based on any actual danger to jail security. Nor has defendant provided any effective alternative means by which the public may be informed of conditions prevailing in Greystone or by which prisoners' grievances may reach the public.

12. The action of defendant Houchins in barring KQED coverage of conditions in Greystone and in barring public access to Greystone deprives the NAACP plaintiffs' members of their right to know and receive information on such conditions and thus to participate meaningfully in the public debate, presently being conducted in Alameda County, with regard to jail reform and the possible construction of new jail facilities.

13. Defendant's action in denying KQED and the public access to Greystone therefore denies plaintiffs their rights under the First and Fourteenth Amendments to the United States Constitution.

BASIS FOR EQUITABLE RELIEF

14. Plaintiffs have no plain, adequate or complete remedy at law to redress the wrongs alleged herein and this suit for an injunction is their only means of securing adequate relief. Plaintiffs are now suffering and will continue to suffer irreparable injury from defendant's actions as alleged herein.

WHEREFORE, plaintiffs respectfully pray that this Court enter judgment granting plaintiffs:

- (a) A preliminary and permanent injunction enjoining defendant from excluding KQED news personnel from the Greystone cells and Santa Rita facilities and generally preventing full and accurate news coverage of the conditions prevailing therein.
- (b) Plaintiff's cost of this suit, including reasonable attorneys fees; and
- (c) Such other and further relief as the Court may deem just and proper.

WILLIAM BENNETT TURNER

WILLIAM BENNETT TURNER

* * *

ORIGINAL

FILED

JUNE 17, 1975

**CLERK, U.S. DIST. COURT
SAN FRANCISCO**

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

(TITLE OMITTED IN PRINTING)

**NOTICE OF MOTION FOR
PRELIMINARY INJUNCTION**

PLEASE TAKE NOTICE that the undersigned will move this Court on the 17th day of July, 1975, at 2:15 p.m. in Courtroom No. 8, or as soon thereafter as counsel can be

heard, for a preliminary injunction pursuant to Rule 65 of the Federal Rules of Civil Procedure, enjoining defendant, during the pendency of this action, from excluding KQED from the Alameda County jail facilities at Santa Rita. This motion is based on the annexed memorandum in support of preliminary injunction, the affidavits attached thereto and all other proceedings filed or had herein.

WILLIAM BENNETT TURNER

Dated: June 17, 1975 WILLIAM BENNETT TURNER

* * *

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

(TITLE OMITTED IN PRINTING)

AFFIDAVIT OF MELVIN S. WAX

STATE OF CALIFORNIA

COUNTY OF SAN FRANCISCO

} ss.

MELVIN S. WAX, being duly sworn, deposes and says:

1. I am the Anchorman of the "Newsroom" program presented every weekday by KQED, Inc. on Channel 9 in the San Francisco Bay Area. I make this affidavit in support of plaintiffs' motion for a preliminary injunction providing KQED with access to the Alameda County jail facility at Santa Rita.

2. I have worked in the field of journalism since 1940. I have been a newspaper reporter and publisher in San Francisco, Chicago, and New England. I have worked in television journalism since 1967. I founded KQED's Newsroom program and have served as its Anchorman ever since.

3. KQED's Newsroom program has had a long standing concern with prisons and jails in the San Francisco Bay Area. Newsroom has reported regularly on newsworthy

events at San Quentin State Prison, Soledad Prison, the San Francisco County Jails at San Bruno and in San Francisco and the Alameda County Jail at Santa Rita. We believe that jails and prisons are public institutions managed by public officials who are accountable to the public, and therefore information concerning such institutions should be reported by the news media. Specifically (and by way of example only), in recent years Newsroom has covered — with film, video or still cameras on the premises of the correctional institutions involved — the following:

SAN FRANCISCO CITY AND COUNTY FACILITIES

| Date | Story and Description |
|-------------------|--|
| February 1, 1972 | Men's Jail — City Prison — film |
| February 2, 1972 | Women's Facilities — City Prison and County Jail — film |
| February 2, 1972 | Special one-and-a-half hour live video on location from County Jail at San Bruno |
| March 13, 1973 | Suit challenging conditions at San Bruno — still photographs |
| April 30, 1973 | Interview with Under Sheriff Smith and interior film of San Bruno Jail |
| November 14, 1973 | Interview with Sheriff Hongisto about jail conditions — film |
| March 18, 1974 | Conditions at County Jail 1 and 3 — film |
| March 5, 1974 | Jail Park — new facility for prison visitors at San Bruno — film |

SAN MATEO COUNTY

| Date | Story and Description |
|----------------|---|
| March 15, 1974 | Ellsworth House and how it works — film |

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SANTA CLARA COUNTY

| | |
|------|---|
| Date | Story and Description |
| 1974 | Ruchell Magee interviewed in Santa Clara County Jail — film |

SAN QUENTIN

| | |
|-------------------|---|
| Date | Story and Description |
| September 1, 1971 | Three guards interviewed after George Jackson incident — film |
| November 21, 1972 | Cell blocks of San Quentin — film |
| October 23, 1973 | Facilities for family visits — film |
| November 8, 1973 | Media access to San Quentin, including shots of prisoners — film |
| December 4, 1973 | Lockdown at San Quentin — shots of prisoners — interview with official — film |

| | |
|-------------------|---|
| Date | Story and Description |
| December 27, 1973 | Followup on lockdown — film |
| March 21, 1974 | Old buildings at San Quentin — film |
| May, 1974 | General interior pictures of San Quentin — no story done but still photographs taken to be used in future |

SOLEDAD PRISON

| | |
|------|--|
| Date | Story and Description |
| 1972 | General interior and exterior pictures taken for file purposes |

4. Based on my own experience with the above stories, and on the experiences of the reporters and crews as reported to me, there have been no instances of endangering reporters, crews or staff, no endangering of the inmates or officials of the institutions concerned, and no violations of either the television crew's business or the correctional institution's business.

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5. In all of the stories that Newsroom has done in and about prisons and jails, we have taken precautions to protect the privacy of the inmates. We have not photographed or interviewed inmates who do not desire to be photographed or interviewed, and this is our policy.

6. In addition to the above stories done on location at various correctional institutions, KQED has of course reported on stories of general interest regarding jails and prisons in California and in the Bay Area. One such story began with the report on Newsroom on March 31, 1975, of the suicide of an inmate named Alvin Holly at Santa Rita in Alameda County. We received information that such suicide occurred two days after an Alameda County Superior Court Judge had responded to Holly's request for a psychiatric examination by ordering such an examination. Our information was that the examination was not provided by the Sheriff's Department or other county employees, and the suicide followed. In this story, by way of background, we reported also on the decision of the federal court in San Francisco to the effect that the Santa Rita facility where the suicide took place was "unfit for human habitation." In the same report, we included statements by a psychiatrist assigned to Santa Rita to the effect that conditions at the Greystone facility at the jail were responsible for the illnesses of his patient-prisoners there. We also reported the reaction of Sheriff Houchins to the suicide and to the allegations made by the Santa Rita psychiatrist. We quoted the Sheriff as denying that the conditions were responsible for the illnesses of prisoners.

7. On March 31, 1975, in connection with these news stories, I telephoned Sheriff Houchins and requested permission to inspect the Greystone facility and take pictures there. The Sheriff refused. When I asked the reason for his refusal, he responded only: "Policy". No rule or written policy of any kind was mentioned.

8. Newsroom followed up these stories by reporting on a report by the County Administrator to the Alameda County Board of Supervisors on May 13, 1975. The report was called

for by the Board as a reaction to the Holly suicide and the allegations of the Santa Rita psychiatrist regarding conditions at Santa Rita. The report, however, did not discuss conditions in the cells at Greystone.

9. Newsroom further reported on a public hearing regarding the County Administrator's report to the Board of Supervisors, held in Oakland on May 20, 1975. The Sheriff did not appear at the hearing. A male nurse from Santa Rita described instances of cruelty and shocking conditions at Santa Rita. The Board of Supervisors called for another report from the County Administrator within 30 days.

10. As a television journalist with experience in reporting on jail and prison conditions, I believe that it is essential to public understanding of the conditions prevailing at the Greystone facility and the Santa Rita jail in general, that the news media report in detail on the exact nature of such conditions. The most effective way of informing the public on the conditions would be television coverage including pictures of the actual cells and facilities. I believe that this can be accomplished at Santa Rita without danger to jail security, or to the safety of media personnel, inmates or officials. The next most effective means of informing the public would be for a news reporter to inspect the cells and facilities and report thereon. I am ready, willing and able, on behalf of KQED, to undertake such activities, but I have been barred from doing so by Sheriff Houchins.

/s/ MELVIN S. WAX

MELVIN S. WAX

(JURAT OMITTED IN PRINTING)

* * *

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

(TITLE OMITTED IN PRINTING)

AFFIDAVIT OF JOSEPH M. RUSSIN

STATE OF CALIFORNIA }
COUNTY OF SAN FRANCISCO } ss.

JOSEPH M. RUSSIN, being duly sworn, deposes and says:

1. I am the News Director on KQED, Inc. On February 2, 1972, KQED televised a live program including live remote video and sound from the San Francisco County Jail at San Bruno. I produced the program.

2. The program was presented live from San Bruno and lasted for 1 hour. It included pictures of the jail facilities, cells, inmates and staff, as well as interviews with inmates. During the program several KQED personnel were in the jail, including the producer, the reporter, the camera man, a floor man, a remote supervisor and an audio man.

3. In preparation for the live program I or other KQED personnel went to the jail at San Bruno on two or three occasions for the purpose of scouting the program, ascertaining the layout, best camera angles, etc.

4. To my knowledge, normal security prevailed both during the hour program and on the scouting occasion; no special precautions were taken. There was no endangering of KQED staff, or inmates, or jail personnel caused by the program, to my knowledge. Nor was there any disruption of jail security caused by the program.

5. We were able to protect the privacy of the jail inmates. No inmate was photographed or interviewed against his will or desire. In addition, we obtained written releases from inmates who appeared on the program.

/s/ JOSEPH M. RUSSIN
JOSEPH M. RUSSIN

(JURAT OMITTED IN PRINTING)

* * *

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

(TITLE OMITTED IN PRINTING)

AFFIDAVIT

STATE OF CALIFORNIA

COUNTY OF SAN FRANCISCO }
ss.

RICHARD D. HONGISTO, being duly sworn, deposes and says:

1. I am the Sheriff of San Francisco County. I have a Master's Degree in Criminology from the University of California at Berkeley. I have ten year's experience in law enforcement with the San Francisco Police Department. In my capacity as Sheriff, I have the general supervision and control of the jails in the County.

2. On February 2, 1972, KQED did a special one and a half hour live television program on location in the County Jail at San Bruno. I authorized this program. My authorization included access to the facility by the KQED reporters (Tom DeVries and Carolyn Craven) and the television crew, consisting of several persons. The program included pictures of the facilities at San Bruno as well as interviews with inmates and officers.

3. From my own participation in the program and from reports from subordinates in charge of jail security, I can state that there was no security problem created by the KQED program from the jail. There was no endangering of the KQED reporters or camera crew or staff; nor was there any endangering of my staff or of inmates at the San Bruno facility. Normal security prevailed; there were no special security precautions.

4. For the KQED live program there was no difficulty in protecting the privacy of the inmates. No one was photographed or interviewed against his will or desire.

5. I have also authorized cooperation with KQED on other programs dealing with the San Francisco County Jails. Specifically, I have authorized interviews and film of facilities (including interior shots of facilities) for at least four other KQED programs aired in recent years. None of these programs presented any danger to jail security. None resulted in disorder of any kind.

6. I authorized all of the above KQED programs consistent with my opinion, based on my education and experience in law enforcement and jail administration, that such programs make an important contribution to public understanding of jails and jail conditions. In my opinion jails are public institutions and the public has a right to know what is being done with their tax dollars being spent on jail facilities and programs.

/s/ RICHARD D. HONGISTO
RICHARD D. HONGISTO

(JURAT OMITTED IN PRINTING)

* * *

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

(TITLE OMITTED IN PRINTING)

AFFIDAVIT

STATE OF CALIFORNIA }
COUNTY OF ALAMEDA } ss.

BRUCE HENDERSON, being duly sworn, deposes and says:

1. I am a reporter for The Independent, a newspaper published three times weekly serving Dublin, Pleasanton, Sunol, Livermore, San Ramon, Danville and Alamo, in Alameda County. In recent years I have been assigned to cover, among other things, stories relating to the Alameda County Jail at Santa Rita.

2. I had never seen the interior of the facilities at Santa Rita until June 16, 1972. On that day, the then Sheriff of Alameda County, Frank I. Madigan, authorized a conducted press tour of the Santa Rita facilities. I went on that tour, and wrote an article based on it. A true copy of the article is annexed hereto, and the substance of it is incorporated herein by reference.

3. There was a sizeable group of news persons on the conducted tour. Included were television stations with their reporters, cameramen and cameras. In addition, the newspapers were well represented, and they included not only reporters but also photographers. So far as I could observe, the presence of photographers and cameramen with their equipment did not cause any disruption at the jail.

4. As set forth in the article attached hereto, we were admonished at the outset of the tour, and reminded during

the tour, that no conversations with any inmates would be permitted. This somewhat handicapped my ability to understand and write about what I was able to see on the tour, because I could not ask questions of the persons incarcerated in and affected by the facilities we toured.

5. As also stated in the article attached hereto, the facilities we toured appeared to have been freshly scrubbed for our tour. I observed a cleaned up kitchen, a damp floor as though a wet mop had preceded the tour by only a few minutes, and wet paint on the walls of a newly-constructed mess hall. As further stated in the article, one jail inmate did remark to me that "You should have come here yesterday. The place was a real mess."

6. I have not been invited to any press tours since June 16, 1972, and I have not heard of any other such tours being conducted at Santa Rita.

7. Subsequent to the press tour, I sought permission from the Sheriff to interview inmates with regard to conditions at Santa Rita. Permission was denied. This led to the filing of a law suit in federal court in San Francisco and, as a result thereof, it was my understanding that a procedure was set up for press access to inmates at Santa Rita. The procedure required a reporter to present a letter from an inmate consenting to an interview. It was also required that consent be obtained from the inmate's attorney of record. This was quite cumbersome and time-consuming, and the procedure made it difficult for a reporter to interview any prisoners because unless the reporter knew an inmate in the jail and could somehow request the inmate to write a letter consenting to an interview, interviews would be difficult to arrange.

8. The failure of the Alameda County Sheriff to provide better press access to the facilities at Santa Rita has, in my

opinion as a news reporter, handicapped the ability of the press accurately and fully to report on jail conditions at Santa Rita.

/s/ BRUCE HENDERSON

BRUCE HENDERSON

(JURAT OMITTED IN PRINTING)

(EXHIBITS OMITTED IN PRINTING)

* * *

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

(TITLE OMITTED IN PRINTING)

AFFIDAVIT

STATE OF CALIFORNIA

COUNTY OF SAN FRANCISCO

} ss.

WILLIAM BENNETT TURNER, being duly sworn, deposes and says:

1. I am a member of the Bar of this Court. I am serving as counsel for plaintiffs in this action. I make this affidavit in support of plaintiffs' motion for a preliminary injunction.

2. Upon being asked by KQED to inquire into the legality of the exclusion of KQED from the Greystone cells at Santa Rita, I telephoned Kelvin Booty, Deputy County Counsel for Alameda County, who represents defendant Houchins. I spoke with him on May 12, 1975, and presented the facts alleged in the complaint with regard to KQED's attempt to gain access to Santa Rita. Mr. Booty told me that he was unaware of any formal policy maintained by the Sheriff with regard to press access to Santa Rita.

3. I spoke again with Mr. Booty on May 15, 1975. At that time, he confirmed that the Sheriff had no rule regulation regarding press access, although apparently a press tour had been conducted in the past. Mr. Booty stated that he had advised the Sheriff to develop a firm policy on press access and that a rule or regulation should be forthcoming within a week.

4. On June 3, 1975, I spoke again with Mr. Booty. At that time no press policy had been developed, but Mr. Booty stated that he would be meeting with the jail officials on June 10, 1975. Mr. Booty sent me the Sheriff's Rules for the facilities at Santa Rita. Attached hereto is a true copy of the Rules and Regulations for maximum security inmates, which includes rules on visiting and mail.

5. An examination of the Sheriff's Rules discloses that there is no rule governing press access. There are rules governing visiting and mail. Visiting is limited by Rule 33 (p. 3) for both sentenced and unsentenced inmates to three hours on Sundays, although unsentenced inmates may have visiting at other times as announced. Regarding mail, there is no provision for an inmate to send a sealed communication to any news media. Indeed, Rule 3(g) (p. 4) provides that "all mail (with the exception of "legal" mail), outgoing and incoming, will be inspected." This is true for both sentenced and unsentenced inmates. Moreover, Rule 2(c) forbids inmates from mentioning "the names or actions of any officer" of the jail. This would even forbid a prisoner from complaining that he had been beaten by an officer.

6. On June 10, 1975, I spoke again with Deputy County Counsel Booty. He then informed me that the Sheriff had developed a policy on press access and he outlined it to me. He stated that there would be monthly public tours. These tours would not be expressly for the press, but news reporters could go on the tours. Twenty-five persons per tour would be allowed. They would be required to sign up on a first

come-first served basis. The tours would be held on the second Monday of every month, beginning on July 14, 1975. The tours would include most Santa Rita facilities but would not include the cell portions of Greystone. I asked Mr. Booty the Sheriff's reason for not including the Greystone cells, and Mr. Booty said that the reason was "Just because". He said that the Sheriff took the position that he did not have to give a reason for excluding the public and press from this facility. Mr. Booty also stated, in response to my inquiry, that persons on the tours would not be permitted to talk to any inmates whom they encounter while touring the facilities. He said, however, that the tour, which would be conducted by four deputies and a sergeant, would also include a convict as a guide. Finally, Mr. Booty stated that no cameras would be allowed on any tour. Mr. Booty said that the new policy should be in writing within a week.

7. I also asked Mr. Booty on June 10 about the policy governing press interviews of prisoners at Santa Rita. He stated that no interviews of convicted prisoners would be permitted (unless, of course, the reporter happened to be a relative or friend of the prisoner). As to pretrial detainees, they could be interviewed only with the consent of the District Attorney, the detainee's attorney of record, and a court order.

WILLIAM BENNETT TURNER
WILLIAM BENNETT TURNER

(JURAT OMITTED IN PRINTING)

(EXHIBIT OMITTED IN PRINTING)

* * *

ORIGINAL FILED
 JULY 9, 1975

WILLIAM L. WHITTAKER CLERK,
 U.S. DIST. COURT
 SAN FRANCISCO

IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA

(TITLE OMITTED IN PRINTING)

ANSWER TO COMPLAINT

COMES NOW Thomas L. Houchins, individually and in his capacity as Sheriff of the County of Alameda, State of California, by way of answer to the Complaint for Equitable Relief (Civil Rights) on file herein, admits, denies, and alleges as follows:

I

Answering the allegations of paragraphs 1, 2 and 3, alleges that defendant lacks sufficient information or belief to enable him to answer the allegations of those paragraphs, and on that ground denies each and every, all and singular, generally and specifically, the allegations contained therein.

II

Admits the allegations of paragraph 4.

III

Answering the allegations of paragraphs 5 and 6, alleges that defendant lacks sufficient information or belief to enable him to answer the allegations contained in said paragraphs 5 and 6, and on that ground denies each and every, all and singular, generally and specifically, the allegations contained therein. Further answering the allegations of paragraph 6, defendant alleges that the medical and psychiatric care of inmates at all of the County's custodial

institutions is not now, and has not been at any relevant time herein, under the direction and control of defendant. Defendant further alleges that if Newsroom reported that the U.S. District Court had found that Santa Rita facility in general "violated 'basic standards of human decency' and therefore constituted cruel and unusual punishment," then Newsroom erroneously reported the decision of this Court in **Brenneman v. Madigan**.

IV

Answering the allegations of paragraph 7, through the words "the Santa Rita psychiatrist" on page 3, line 24 of the Complaint, defendant alleges that he lacks sufficient information or belief to enable him to answer the allegations contained in said paragraph and on that ground denies each and every, all and singular, generally and specifically, said allegations. Answering the last sentence of paragraph 7, defendant alleges that he does not know how he was quoted by Newsroom, but alleges that what defendant in fact said to plaintiff KQED's reporter was that he had no evidence or reason to believe that the cells in Greystone had caused any problem to Mr. Holly which could have resulted in Mr. Holly's death.

V

Answering the allegations of paragraph 8, defendant admits that Mr. Wax telephoned defendant and requested permission to inspect the Greystone facilities, and that defendant refused. Defendant denies that the reason stated by defendant for that refusal was limited to the word "policy," and alleges instead that what defendant said to Mr. Wax in response to the request was that Mr. Wax could not inspect the Greystone facility, because if Mr. Wax were allowed so to inspect, then any other media representative would also have to be granted permission to do so; that considering the number of newspapers, magazines, and television stations in the Bay Area, and the spasmodic disruption of the mealtimes, exercise times, visiting times, and court appearances of the inmates of the institution,

which would be caused by the conducting of innumerable tours upon demand by media representatives, defendant believed that he could not allow such visitations; that accordingly defendant would not permit the inspection by Mr. Wax as requested. Defendant further stated to Mr. Wax that defendant had received many such requests from the press and from television, and from others. Except as herein alleged, defendant denies each and every, all and singular, generally and specifically, the allegations of paragraph 8.

VI

Defendant admits the allegations of paragraph 9, except insofar as they refer to reports by KQED's Newsroom, as to which defendant has no knowledge or belief, and on the basis of that lack of knowledge or belief, denies the allegations with respect to said reporting.

VII

Answering the allegations of paragraph 10, defendant alleges that he lacks sufficient information or belief to enable him to answer the allegations of the first sentence thereof, and on that basis denies each and every, all and singular, generally and specifically, the allegations of said first sentence. Defendant denies the allegations of the second and third sentences of paragraph 10. As to the last sentence in paragraph 10, defendant lacks sufficient information or belief to enable him to answer the allegations concerning the readiness or willingness and ability of KQED to undertake news gathering, and on that basis denies the allegations with respect to KQED. Defendant admits that KQED has in the past been barred from entering the Santa Rita facility for reporting purposes, as hereinabove described, but alleges that, as KQED knows, defendant plans to permit public tours of the entire Santa Rita facility, and any representatives from KQED (or the other plaintiffs) are perfectly free to participate in those public tours, on the terms and conditions applicable to all other participants in those tours. Those terms and conditions are described in defendant's letter of June 19, 1975, to the Board of Supervisors of the County of

Alameda, a true and correct copy of which letter is attached hereto, marked Exhibit "A" and is by this reference incorporated herein as if set forth at length. (There is also attached hereto, marked Exhibit "B", a true and correct copy of the final version of the press release, which exhibit is by this reference incorporated herein as if set forth at length.) As the attached press releases in Exhibits "A" and "B" indicate, the public tour will cover all facilities at the Santa Rita Rehabilitation Center, including the Greystone Complex (and specifically including the cell areas in Greystone). While cameras will not be permitted, photographs of the Greystone area will be on a display and may be purchased by tour visitors. Defendant alleges that the reason that no cameras will be permitted is that with 25 persons, with cameras, defendant would have no control over what was being photographed, including inmates, security operations, and the like, which photographs could be studied later. Similarly, defendant will not permit any interviewing with inmates, because of excessive time consumption, problems with control of the inmates, and problems with control of visitors. Defendant believes that interviewing would be excessively unwieldy.

VIII

Defendant denies that allegations of paragraph 11. Further answering the allegations of paragraph 11, defendant alleges that the public tours described in the above paragraph are an effective alternate means by which the public may be informed of conditions in Greystone, and that in addition, all inmates have access to the media through the United States Mail.

IX

Defendant denies that allegations of paragraph 12, 13, and 14.

WHEREFORE, defendant prays that the Complaint be dismissed, and that he be awarded his costs herein incurred, and for all other appropriate relief.

FIRST AFFIRMATIVE DEFENSE

Plaintiffs Alameda Branch and Oakland Branch, National Association for the Advancement of Colored People, lack standing to maintain the within action in their own right.

SECOND AFFIRMATIVE DEFENSE

No claim upon which relief may be granted has been or could be stated against defendant Thomas L. Houchins in his individual capacity.

Dated: July 9, 1975

RICHARD J. MOORE, County Counsel
County of Alameda, State of California

By KELVIN H. BOOTY, JR.

KELVIN H. BOOTY, JR.
Senior Deputy County Counsel

Attorneys for Defendant

(CERTIFICATE OF SERVICE OMITTED IN PRINTING)

EXHIBIT A

June 19, 1975

Honorable Board of Supervisors
Administration Building
1221 Oak Street
Oakland, California 94612

RE: PILOT PROGRAM — TOURS OF SANTA RITA
REHABILITATION CENTER

For several months, I have been concerned with the practical difficulties involved in providing time for interested persons to view the Santa Rita Rehabilitation Center. Recent court decisions relating to public access to jail facilities have served to deepen my concern.

The principal impediment to providing the public with opportunities to tour Santa Rita has been the lack of personnel to serve as guides for visitors. It is my proposal that we commence a six-month pilot program of three-hour tours through all the major facilities at Santa Rita. The monthly tour, limited to 25 persons, can be scheduled on the evening of the second Monday of each month, with the first tour to be held on July 14, 1975.

This program can be funded on a special overtime basis, as was Night and Sunday Visiting, to provide sufficient knowledgeable guides. The guides will have opportunity to inform the public of current detention and corrections programs (educational, counseling, etc.) which have been expanded by your Board in recent years.

It is estimated that staffing costs will not exceed \$1,800 for the six-month pilot program; at its conclusion, a determination can be made for its continuation. The following is a breakdown of expected costs for one Sergeant and four Deputies.

Estimated Costs for Pilot Program

Staffing required: 1 Sergeant and 4 Deputies at 4 hours per night.

| | Sergeant* | Deputy* | 4 Deputies | TOTAL |
|-----------------------|-----------|-----------|------------|-----------|
| Base Pay 75-76/Month | \$1453.00 | \$1257.00 | \$ | \$ |
| Hourly Rate | 8.35 | 7.21 | | |
| Overtime Rate | 12.53 | 10.82 | | |
| Cost/Month | \$ 50.12 | | \$ 173.12 | \$ 223.24 |
| Cost for Six Months | 300.72 | | 1038.72 | 1339.44 |
| + 22% Fringe Benefits | 66.16 | | 228.52 | 294.68 |
| | \$ 366.88 | | \$1267.24 | \$1634.12 |

*Based on 4th Step, 1975/76 Salary Ordinance.

If the program is approved by your Board, the attached draft press release will be utilized.

T. L. Houchins
Sheriff

TLH: nac
Attachment

cc: Loren Enoch
County Administrator

Donald Parkin
Auditor-Controller

SUGGESTED DRAFT PRESS RELEASE

Sheriff Tom Houchins has announced that a program of guided tours through the Santa Rita Rehabilitation Center will begin on the evening of July 14, 1975. Open to all interested persons, the tour is expected to require approximately three hours for visitors to walk through all major facilities at the Santa Rita Rehabilitation Center.

Arrangements must be made in advance as each tour is limited to a maximum of 25 persons. All persons going on the tours must be at least 18 years of age and may be subject to search prior to entering the facility. No cameras or tape recorders will be allowed.

Tours begin promptly at 6:30 p.m. on each night scheduled: July 14, August 11, September 8, October 13, November 10, and December 8. Interested individuals or groups wishing to make appointments for tours should call the Sheriff's Department at 828-5400, Extension 67, between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday.

EXHIBIT B

**SHERIFF'S DEPARTMENT,
ALAMEDA COUNTY COURTHOUSE
1225 FALON STREET
OAKLAND, CALIFORNIA 94612**

JULY 8, 1975

FOR IMMEDIATE RELEASE

Alameda County Sheriff Tom Houchins announces that a program of guided tours through the Santa Rita Rehabilitation Center has been approved by the Board of Supervisors and will begin on the evening of July 14, 1975. Open to all interested persons, the tour is expected to require approximately three hours for visitors to walk through all major facilities at the Santa Rita Rehabilitation Center.

Arrangements must be made in advance as each tour is limited to a maximum of 25 persons. All persons going on the tours must be at least 18 years of age and may be subject to search prior to entering the facility. No cameras or tape recorders will be allowed.

Tours begin promptly at 6:30 p.m., on each night scheduled: July 14, August 11, September 8, October 13, November 10, and December 8, 1975. Interested individuals or groups wishing to make appointments for tours should call the Sheriff's Department at 828-5400, Extension 67, between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday.

NO MORE

* * *

AFFIDAVIT OF THOMAS L. HOUCHINS

Thomas L. Houchins, being first duly sworn, deposes and says:

1. That he is now, and at all relevant times mentioned herein he has been, the Sheriff of the County of Alameda, State of California, and as such Sheriff has charge of all correctional facilities within the County of Alameda.

2. That the media and the public have access both to the inmates of the Santa Rita Rehabilitation Center and to the facilities and programs themselves through the following:

a. **United States mails.** There are attached hereto, marked Exhibits "A", "B", "C", and "D", true and correct copies of the Rules and Information for the four groupings of Santa Rita inmates — minimum security, medium security, maximum security, and womens' quarters. Each of those exhibits is, by this reference, incorporated herein as if set forth at length. The exhibits are as revised in June, 1975. (It should be noted that the provisions in the former rules concerning not mentioning the names of officers or inmates in correspondence, which rules are referred to by plaintiffs herein, are deleted by the revision.) The mail rules with respect to maximum security inmates, for example, (i.e., those who are housed in Greystone) are described on page 4 of the Maximum Security Inmates Rules. The former version of these rules was approved by ~~the U.S.~~ District Court in **Brenneman v. Madigan**, and the revisions have the effect of liberalizing the previously-approved rules. Supplemental to the rules themselves are the directions given to the Sheriff's Department personnel who are charged with enforcing the rules. A true and correct copy of those directions is set forth in the memorandum dated June 12, 1975, a copy of which is attached hereto, marked Exhibit "E" and by this reference incorporated herein as if set forth at length. Therein it is stated, for example, that "mail shall not be read; it will only be inspected for contraband."

b. **Visitation.** Inmates also have access to the public and to the media through visitation. The attached Rules

(Exhibits A, B, C, and D) discuss visitation. With respect to maximum security inmates, for example, the visitation rules are set forth on pages 3 and 4 of those rules. For unsentenced inmates, in addition to visiting on Sundays from 11:30 a.m. to 3:30 p.m. (and not 2:30 as indicated in the written rules), visiting is permitted on Tuesdays, Wednesdays, and Thursdays, from 6:00 p.m. to 8:00 p.m. That visiting schedule was specifically approved by this court in **Brenneman v. Madigan** in an order filed on October 30, 1972, said order specifically providing that:

No greater number of hours and days of visiting than as are described [above] shall be required of defendants provided, however, that nothing in this Order shall be construed as indicating that, in defendant's proposed new jail facility, the days and hours of visiting to be made available for pre-trial detainees should not be established and maintained at the highest level consistent with a reasonable operation of the institution.

c. **Interviews with specific inmates.** Any media representative — or anyone else, for that matter — may interview any pre-trial detainee, upon first obtaining the written consent of the detainee, his attorney, the district attorney, and the court.

d. **Public tours.** As is indicated in defendant's Answer to the Complaint on file herein, monthly tours for the public have been instituted. Approval by the Board of Supervisors of the County of Alameda for this program was obtained on July 8, 1975. Reference is made to that Answer, and to the exhibits thereto, for a description of the public tours. An article concerning the public tours was published in the San Francisco Chronicle on July 9, 1975, and a true and correct copy of the article is attached hereto, marked Exhibit "F".

and is by this reference incorporated herein as if set forth at length. There is attached marked Exhibit "G" a true and correct copy of the Board of Supervisors resolution approving the public tours.

Dated: July 10, 1975.

/s/ THOMAS L. HOUGHINS

THOMAS L. HOUGHINS

(JURAT OMITTED IN PRINTING)

EXHIBIT A

SHERIFF'S DEPARTMENT

ALAMEDA COUNTY — CALIFORNIA
FRANK I. MADIGAN, SHERIFF

RULES & INFORMATION
FOR MINIMUM SECURITY
(OR COMPOUND) INMATES

1-25-74

(Rev. 6/75)

SANTA RITA REHABILITATION CENTER

The following rules and information are intended to aid in the proper running of Santa Rita and to inform you of what is expected of you and available to you while you are in the custody of the Sheriff of Alameda County. All inmates are expected to read and observe the rules set down on the following pages.

You are reminded that all laws of the State of California and all ordinances of the County of Alameda relative to criminal behavior are fully in effect while you are at this facility. Any violations will result in criminal prosecution.

You are further advised that any violations of the rules or regulations of this institution will result in disciplinary action being taken against you.

IMPORTANT NOTICE

Escape from the Alameda County Jail or the Santa Rita Rehabilitation Center is a Felony and you will be charged under section 4532 of the Penal Code of California. Penalty for escape is one (1) to ten (10) years in the State Prison. All violators will be prosecuted.

GENERAL RULES FOR INMATE CONDUCT:

1. Your person and property is subject to search at any time. Your personal property in barracks can be searched at any time, whether or not you are present. All unauthorized items are contraband and will be confiscated.

2. Be courteous toward fellow inmates and staff. Address the staff by their title of the prefix Mr., Mrs., or Miss and their last name.

3. Profane and vulgar language is prohibited.

4. Personal cleanliness, of self, living space, bunks and lockers is required. Inmates are not to litter. All trash is to be thrown in trash recepticals.

5. No visiting between barracks or compounds without an officer's permission.

6. Wear your Ident-a-Band at all times. If it needs replacement, contact an officer immediately. It is used to identify you for Commissary, Visiting, Mail and movement from place to place.

7. GAMBLING in any form is prohibited.

8. SMOKING IS PROHIBITED in the following areas:

a. Messhall, either while inside or while in line enroute to meals.

b. Administration Offices.

c. In areas where flammable materials, gasoline-oil, hay, etc., are stored.

d. While lying on your bunk. You may smoke while seated on your bunk.

e. On County vehicles.

f. During counts.

9. Certain areas are Out of Bounds or restricted (inmates are not allowed in these areas without expressed permission from an Officer or employee). OUT OF BOUNDS or RESTRICTED areas are:

a. The Women's Quarters and fence area outside it are OUT OF BOUNDS to male inmates.

1. Male inmates are not allowed to communicate with female inmates.

2. Messages are not to be passed into or out of the Women's Quarters.

b. The Little Greystone Barracks in the compound is a RESTRICTED area.

c. Compound Eight is a RESTRICTED area for inmates except Immigration and Weekenders.

d. The Messhall is RESTRICTED except during meal hours or duty assignment.

e. Officer's Quarters is OUT OF BOUNDS.

f. Greystone is a RESTRICTED area.

g. All shop areas and the Health Department are RESTRICTED areas.

h. The Administration Building and the Front Office are OUT OF BOUNDS.

i. The Booking Office and Detail Office are RESTRICTED areas.

10. No fires may be kindled for any purpose. Violators will be prosecuted under the California Penal Code. Fire equipment is for your protection, it is to be used in case of fire only, and is not to be tampered with.

11. Defacing or destruction of County property, clothing, bedding and supplies is prohibited.

12. Pin-ups, girlie pictures and drawings are prohibited. You may have 3 pictures of family or friends in the barracks. Pictures are not to be displayed on the walls or outsides of lockers.

13. Fighting is prohibited.

14. You may have in your possession or in the barracks, only the amount of medication approved by the Medical Department.

15. You may have only current newspapers (not over 3 days old) and approved books and magazines in your possession or in the barracks. Any excess amount of paper, magazines or other flammable items, constitutes a fire hazard.

16. No inmate is to engage in any action which would endanger the safety of an employee or another inmate, violate the security of the jail or interfere with the proper running of the jail.

ANNOUNCEMENTS AND CONDUCT DURING MOVEMENT:

1. Upon the announcement of RECALL, all inmates are to return **immediately** to their proper barracks, and stay off the Compound street and patios.

2. Upon the announcement of COUNT, inmates will stand at the foot of their own bunks until the Officer has finished his count of their barracks. During the count there will be no talking, smoking, or moving about. All inmates will remain inside their barracks until count is announced clear over the PA system. Inmates may remain in their bunks during counts after lights out and before reveille.

3. The Barracks Meal Order will be announced and rotated daily. The Count will be announced as being clear. Inmates will then remain behind their barracks gate until called to the Messhall by a Compound Officer. Upon being called (by barracks), inmates will proceed to the Messhall in **SINGLE FILE**, orderly line. Complete jail issue (shirt, pants, shoes) must be worn during meals. No hats are to be worn in the Messhall.

4. Reveille will be announced and the barracks radio turned on. Inmates will then get up, get dressed, make up their bunks and stand by for the morning count.

5. Upon announcement of the work call (Monday thru Friday) inmates will proceed immediately to their assigned jobs.

6. Other announcements will be made as needed for movies or special events.

7. Inmates should be attentive to announcements made

over the PA and follow any instructions given. Inmates names are often called over the PA for various reasons, and inmates should listen for these announcements and follow any instructions promptly.

8. When proceeding on the Compound street for any reason, inmates will walk between the gutters and the painted lines on either side.

PERSONAL HYGIENE:

1. Shower rooms, shaving rooms, barracks washrooms and lavatories are provided for your use. Help keep them clean, throw trash in containers.

2. A barber shop is located on the compound. Inmate barbers are not to charge for services. Keep hair, mustaches and beards neat.

3. Take a bath at least twice a week. Wash underclothing regularly or exchange for clean issue.

4. Inmates assigned to the Messhall will be especially careful of their personal hygiene; that is, clean hands, fingernails, clothing etc., and will follow special health requirements as set down by the Messhall staff, with regards to food preparation, food service and cleanliness of equipment.

CLOTHING, BEDDING AND PERSONAL PROPERTY:

1. Appropriate jail clothing, footwear, linen, blankets and towels will be issued to you. Only issued items of outer clothing are permitted. Headbands, hairnets, or makeshift headgear are prohibited.

2. You may retain your own underwear, socks and handkerchiefs. No private sweatshirts or colored T-shirts are allowed. Visitors may leave underwear, socks and handkerchiefs during Sunday visiting only.

3. Clothing will be worn properly. Those who issued shirts are to keep them buttoned and tucked in at all times when out of their barracks. Sweatshirts are not to be worn over issued shirts.

4. You may have only one set of clothing, as issued, in your possession at a time. Replacement of torn, dirty or

wornout clothing can be made at the Detail Office after 3:15 p.m. on weekdays. After receiving clean clothing the soiled items are to be placed in the carts provided for return to the laundry.

5. Trading of clothing, and/or property, between inmates is prohibited.

6. Towels may be draped over the foot of the bunk for drying.

7. Each inmates' sleeping area in the barracks will consist of his bunk and the issued locker. No make-shift tables or shelves will be allowed. Each inmate will have in his possession only one standard issue of bedding (1 set of blankets, sheets, 1 pillow, 1 pillow cover, 1 mattress and 1 towel) all other items will be confiscated.

MEALS — MESSHALL RULES:

1. At the Messhall, pick up mess gear and move in single file to the steam tables. Accept only the food you will eat. When served, proceed to a table and be seated as indicated by an Officer. All stragglers to the Messhall will eat last.

2. When you have finished eating, take the mess gear to the scullery area and deposit it as directed. Leave the Messhall immediately; no loitering. No food is to be taken out of the Messhall, except fresh fruit.

3. Special passes are issued to those inmates who must eat at other than regular hours. They will be inspected, carry them at all times.

WORK ASSIGNMENTS:

1. Physically able inmates will be assigned to a work detail after sentencing. Assignments are based on experience, skills, job availability, aptitude needs of the jail and jail security. Job assignments are subject to change at any time.

2. You are required to report to your work detail promptly and to cooperate with the work program. Malingers will lose "Work Time" credits.

3. Do not leave your work detail without permission of the officer or employee in charge.

4. Tools, equipment, vehicles, animals, produce or other items that are used in the performance of your job are to be cared for in a proper manner.

5. Obey all safety precautions around mechanical equipment.

6. Vehicle rules must be obeyed for your safety:

a. Enter vehicles by doors or tailgates only; leave the same way.

b. Once in the vehicle sit down and remain orderly; keep all parts of the body inside.

c. Do not enter or drive any vehicle or operate any mechanical equipment unless authorized by an officer or employee.

7. Inmates assigned to the Messhall are reminded of their personal hygiene practices and are to follow the direction of the Mess Officer in matters which are unique to their jobs.

COMMISSARY:

1. A commissary is maintained for your convenience. The price of your purchase is charged against your account. Any questions with reference to the cash balance noted on your account should be brought to the Commissary Officer's attention immediately.

2. Inmates with less than \$1.00 (one dollar) on their account may draw "Free Line", tobacco and other necessities.

3. Store hours are posted for sentenced inmates.

4. When in Commissary line, remain in single file. Line jumping will not be tolerated. Noise is to be kept to a minimum.

5. You will be required to identify yourself, by the Ident-a-Band, when drawing commissary.

6. Panhandling or threats, or the use of force to get someone else's commissary will not be tolerated.

7. Commissary privileges can be revoked for violation of Inmates Rules.

CHAPLAIN:

Santa Rita has a full time Chaplain. He is available five days a week for consultation and special services. He conducts Protestant services and arranges church services for other denominations. Check the schedules posted at the Chapel.

SOCIAL SERVICES OFFICER:

1. Catalogs, applications, and/or financial aid information for Bay Area community state colleges, adults schools; information on drug rehabilitation programs, vocational (job), educational, and personal counseling, are available.

2. Social Services Officers may make telephone contact with relatives, community agencies, employers, etc., to assist inmates with vocational, educational or personal problems.

3. The Social Service Officer will also assist inmates with applications for the Work Furlough program and the Sheriff's Parole.

4. The Social Services Office is located at the center of the building housing the Project Office and the Officers Quarters. No appointment is necessary. Inmates assigned to rolling crews must secure approval of their supervisor.

EDUCATIONAL PROGRAM:

1. An educational program is sponsored by the Sheriff through the Social Service Office.

a. Classes are open in elementary, high school and certain vocational subjects. Check at the Social Service Office for schedule of classes and registration.

2. A library is maintained for your use. In addition, the Alameda County Bookmobile makes regular visits to Santa Rita.

3. Books and educational materials for correspondence courses will not be allowed unless approved by the Social Service Officer. Submit a request slip listing the items needed and their source. Texts and supplies must be mailed from an accredited bookstore after approval. The Sheriff assumes no liability for their loss.

RECREATIONAL PROGRAMS:

Any questions concerning recreational activities should be directed to the recreational director.

1. Games are placed in the various barracks and day rooms for your use. Athletic gear is available for use in the compounds, on the athletic field, and in the gym.

2. Whenever possible, outside groups will be brought in to provide entertainment. Good conduct during these programs is a must.

3. Movies are scheduled on weekends and holidays. Designated barracks will attend the movies when shown, listen for the announcement. You will be allowed to attend the movie only when your barracks is scheduled.

a. At announced times, go the auditorium in single file.

b. Take the first available seat nearest the stage.

c. Don't throw trash on the floor.

d. Female inmates may be in the balcony section, no attempts at conversation are to be made.

e. In case of emergency (fire, etc.) follow the directions of the Officers.

f. Do not move the seats around; keep the aisles open for fire exits.

g. When the movie is over, follow the directions of the Officers.

h. Violations of rules and regulations can result in loss of movie privileges.

4. Television programs are shown in the Auditorium during non-duty hours. Special programs, sporting events, etc., will be shown whenever possible. Do not handle the equipment.

MEDICAL SERVICES:

1. There is a doctor, a nurse, or a medical technician on duty at all times. The medical staff will make all decisions relative to medical care.

2. Emergency illnesses will be handled as they occur.

3. If you are injured at anytime, anywhere, notify an

officer or employee immediately. If you see someone in need of medical attention who cannot report it, notify a member of the staff immediately.

4. If you have any medical problem notify an officer at once so that the problem can be referred to the Medical Staff without delay.

5. Sick call is held daily, Monday through Friday.

a. If you go to sick call, maintain order while in the waiting line or treatment rooms.

b. After you have been seen by the Medical Staff, comply with their instructions.

1. If you have been given "Lay-in" or a "No Duty" slip report to the Detail Office.

2. If you illness requires close medical supervision, you may be moved to the infirmary.

3. If you are placed on medication, you will be given instructions.

6. Sick calls on weekends and holidays are held as needed. If you have a medical problem, notify an officer and follow his instructions.

7. Dental services are available. You must go through the Medical Staff at the Clinic so that your problem can be brought to the attention of the dentist, and an appointment scheduled.

8. If you require medical services not available through Alameda County facilities, you may arrange for such care by your own physician, at your own expense. Arrangements for such service must be made through the Medical Staff.

9. Medication issued to you is for your use. Inmates given medication to be carried on their person must carry a signed authorization from the Medical Staff relating to its issue date, dosage, and type of medication. The dentist will issue medication as necessary and an authorized approval slip.

10. Before you are assigned to a work detail, you will be processed through the Clinic. Let them know of any condition that would limit your ability to do certain work.

11. Inmates are not to make a practice of attending Sick Call as a reason for getting out of work.

VISITING:

1. Visiting hours are from 11:30 A.M. to 2:30 P.M. on Sunday, and at such other times as posted by special notice. If an inmate desires no visitors, he is to submit a request message directed to a Sergeant that he does not wish to have any visitors.

2. Visitors under the age of 18 years must be accompanied by an adult.

3. Persons released from State Prison or on parole cannot visit without specific approval of the Commanding Officer. Persons who have been released from Santa Rita or the Courthouse Jail within the last six months cannot visit without the approval of the Commanding Officer.

4. Visitors are to have suitable identification (as required to cash a check).

5. Inform visitors of your name and booking number as carried on the jail roster. (Someone may know you under an alias, other spelling, etc.)

6. No physical contact will be allowed between inmates and visitors.

7. Do not receive from or give anything to a visitor during the visit. If you want to release items of personal property, fill out the necessary release form (barracks trustees and the Detail Office have them) and give the complete form to an Officer at least two days before visiting.

8. Inmates will receive their visitors in the auditorium. They will wait in their barracks or barracks compound until their name is called for a visit. They will then empty their pockets of all items except a comb and handkerchief and proceed to the auditorium walking between the gutter and the painted lines. There is to be no smoking while in the auditorium.

9. When going to and from the auditorium for visiting, do not attempt to communicate with outsiders who may be waiting outside the auditorium, or entering, or leaving the auditorium. Leave the visiting area immediately when told to do so by an officer.

10. Notify your visitors of the visiting rules and encourage

them to comply.

11. Violation of rules of conduct will result in loss of visiting privileges.

MAIL:

1. Your mailing address is:

Your name and booking number
P.O. Box 87
Pleasanton, California 94566

2. All inmates may write to the Sheriff or jail officials to express any grievance. This mail will not require postage.

3. Each letter sent or received must show the name and address of the sender on the outside of the envelope.

4. Out going letters to attorneys, judges, or government officials (Federal, State, or Local) may be sealed by the inmate prior to mailing.

5. Outgoing letters, excluding those listed in #4, will not be sealed by the sender. They will be picked up daily and delivered to the Pleasanton Post Office; except on Sunday and holidays, after inspection by Sheriff's personnel.

6. All incoming mail, except that from judges, will be inspected for contraband.

7. Money should be sent to you only in the form of money orders. No checks of any kind will be cashed here. Personal checks will be returned to the sender, and other checks will be placed in the inmate's property envelope. Money orders sent must be made out as follows: Pay to the order of Sheriff's Department, Alameda County, for the account of (inmate's name and booking number).

8. Mail call is announced and handed out each evening (Monday through Friday, except holidays). Mail will be delivered only to the inmate addressee. You will be required to identify yourself at the time mail is delivered.

9. Envelopes, stamps, and writing materials are sold in the commissary. Inmates with less than \$1.00 may obtain envelopes and stamps from the "Free Line" for necessary correspondence.

10. Mail directed to the probation officer may be addressed

to the Probation Office at Santa Rita and will require no postage. Such mail will be delivered by Santa Rita personnel to the Probation Office at Santa Rita for forwarding.

11. Mail will be sent and received only through regular channels. It is unlawful to send letters out of this institution, or receive letters into this institution, in any other manner.

12. Parcels or packages sent through the mail are prohibited with the following exceptions: Legal references, textbooks, periodicals, magazines, and books that are approved as mail matter by the U.S. Postal Authorities will be accepted from publishers.

(EXHIBIT B OMITTED IN PRINTING)

EXHIBIT C

SHERIFF'S DEPARTMENT

ALAMEDA COUNTY — CALIFORNIA
FRANK I. MADIGAN, SHERIFF

**RULES & INFORMATION
FOR MAXIMUM SECURITY
INMATES**

1-25-74

(Rev. 6/75)

SANTA RITA REHABILITATION CENTER

The following rules and information are intended to aid in the proper running of Santa Rita and to inform you of what is expected of you and available to you while you are in the custody of the Sheriff of Alameda County. All inmates are expected to read and observe the rules set down on the following pages.

You are reminded that all laws of the State of California and all ordinances of the County of Alameda relative to

criminal behavior are fully in effect while you are at this facility. Any violations will result in criminal prosecution. You are further advised that any violations of the rules and regulations of this institution will result in disciplinary action being taken against you.

IMPORTANT NOTICE

Escape from the Alameda County Jail or the Santa Rita Rehabilitation Center is a Felony and you will be charged under section 4532 of the Penal Code of California. Penalty for escape is one (1) to ten (10) years in the State Prison. All violators will be prosecuted.

INFORMATION FOR GREYSTONE INMATES

GENERAL RULES FOR INMATE CONDUCT:

1. Be courteous toward fellow inmates and staff. Address the staff by their title or the prefix Mr., Mrs., or Miss and their last name.

2. Medical personnel are available at all times. If you need medical attention or see someone in need of medical attention who cannot report it, notify an officer immediately. Sick call is held daily. Dental services are available through the medical staff.

3. All inmates entering Greystone for confinement will be strip-searched. Your person and property is subject to search at any time.

4. The following items may be kept by inmates, on their person or in their cells, except when undergoing disciplinary confinement or loss of privileges. All other items are contraband and will be confiscated:

- a. Cigarettes and tobacco products; soft, non-metallic containers
- b. Matches, safety type
- c. Personal underwear; T-shirts must be white, shorts may be any color
- d. Issue sweatshirts during winter or cold weather
- e. Personal socks and handkerchiefs

f. All issued items of county clothing, towels, and bedding

g. Soap and toilet paper

h. Toothbrush and tube toothpaste

i. Commissary items approved for Greystone

j. Non-metallic pocket type combs; ("Natural" and other pointed combs are not allowed)

k. Pencils, ballpoint pens, writing paper, envelopes, stamps and legal papers pertinent to your case

l. Library magazines and periodicals not to exceed 2 at any one time

m. Approved personal books, legal books, bible, and not more than 2 library books at any one time. Not more than 5 newspapers less than 3 days old

n. Personal and business letters received while in Greystone

o. Not more than 3 wallet size photographs of relatives or friends

p. Authorized medication; accompanied by a medical slip relating to usage

q. No food, other than fruit, nuts and commissary items

5. Inmates in a disciplinary or loss of privilege status will be allowed only toothbrush, toothpaste, soap, toilet paper, towel, tobacco, books and issued County materials. Some of these items may be removed from their cell at lights-out and returned in the morning.

6. All inmates are expected to conform to acceptable standards of personal hygiene. Showers are provided in all dayrooms. Twice weekly bathing is required. Each cell is equipped with a washbasin, hot and cold water, and a flush toilet.

7. Unsentenced inmates may get a hair trim and sentenced inmates a hair cut at reasonable intervals. There is no charge. Headbands, hairnets or make-shift headgear are prohibited.

8. Commissary is sold in Greystone twice each week. Inmates with less than one dollar on their accounts can

request "Free Line." "Free Line" is limited to smoking material, writing material, stamps, toothbrush and tooth-paste.

9. All inmates will wear an Ident-a-Band on a wrist showing their name and booking number. If the Ident-a-Band becomes worn out or illegible, inform an officer so that it may be replaced.

10. Clothing and linen will be exchanged at least on a weekly basis.

11. When reveille is announced and the radio is turned on, all inmates will get up, wash, make up their bunks and tidy up their cells. Inmates are allowed to lie on top of a made up bunk during the daytime.

12. Inmates not having a medical "Lay-in" will be moved to the dayrooms or exercise yard each day.

13. During movements to the dayrooms, messhalls, and the exercise yard, inmates will be moved in groups. Inmates in these groups will proceed quietly and in an orderly manner. They will not stop to visit with inmates in other cells or ask questions of officers supervising the movements. Inmates are required to remain with their assigned groups and may not mix with other groups.

14. At commissary and sick call, when inmates are being served in the dayrooms or the exercise yard, they will line up in an orderly manner, keep the noise down, and will speak to the medical personnel or commissary clerk one at a time, in their turn. It is impossible to understand and take care of an individual's needs if everyone is trying to talk at the same time. Horse play and excessive noise will not be tolerated.

15. Gambling in any form is prohibited.

16. Upon entering the messhall to eat, each inmate will be handed a tray of food, eating and drinking utensils, will proceed directly to the seat indicated by an officer. After finishing eating, all inmates will remain seated until directed by an officer to leave the messhalls.

17. The television set controls in the dayrooms are off limits for inmates. They will be turned on and off, adjusted, and fixed only by an officer or technician.

18. Defacing or writing on walls and doors are prohibited.

19. Willful damaging, mutilation or destruction of county clothing, bedding, buildings and equipment is prohibited.

20. Counts will be taken from time to time. During counts all inmates will stand up and refrain from moving about. During counts taken after lights out and before reveille in the morning inmates may remain in their bunks.

21. Noise will be kept to a minimum, particularly after lights out. Loud yelling, singing, or whistling is prohibited at all times.

22. No articles of any kind may be hung from the overhead screens in the cells or inside dayrooms.

23. Blankets, bedding or other materials may not be arranged to conceal any occupant of a cell. Bedding may not be taken to the dayrooms.

24. Standing on the sinks or toilets in the cells or dayrooms is prohibited.

25. No pictures or decorations of any kind may be affixed to the walls or doors of the cells or dayrooms.

26. Any action by an inmate which, by its nature, interferes with the proper running of the jail, jeopardizes security, or endangers the safety of an inmate or employee, is strictly prohibited.

27. Smoking in bed is prohibited. Smoking is prohibited during movements of inmates and in the messhalls.

28. No fires may be kindled in Greystone for any purpose.

29. Sex crimes will be investigated and prosecuted.

30. Inmates who believe that they are scheduled for a court appearance and have not been called for court should notify an officer.

31. No trusty, or other inmates, has any authority over inmates. The trusties, under supervision of an officer, attend to many of the inmates' daily needs. Trusties asking favors for any service rendered should be reported to an officer.

32. Inmates needing an attorney and who have not had an opportunity to contact one should notify an officer.

33. Visiting hours are from 11:30 A.M. to 2:30 P.M. on Sundays for both sentenced and unsentenced inmates. Unsentenced inmates only, will have visiting at such other times as announced. If an inmates does not desire to have

visitors, he may submit a request message directed to a Greystone Sergeant that he does not wish to have any. Persons released from State Prison or on Parole cannot visit without specific approval of the Commanding Officer. Persons who have been released from Santa Rita or the Courthouse Jail within the last six months cannot visit without the approval of the Commanding Officer. An exception is a husband-wife, both of whom were in jail at the same time. If one gets out before the other, a visit may be arranged on a special basis by request to the Commanding Officer. Such visits will not be more than twice monthly. Visitors under the age of 18 years must be accompanied by an adult.

34. Visitors may leave money, socks, underwear, and necessary clothing for court appearances, at a place provided on visiting days.

35. Visitors are to have suitable identification (as required to cash a check).

36. Inform visitors of your name and booking number as carried on the jail roster (someone may know you under an alias, other spelling, etc.)

37. Do not receive from or give anything to a visitor during the visit. If you want to release items of personal property, fill out the necessary release form (see an officer) and give the completed form to an officer at least two days before visiting.

38. Notify your visitors of the visiting rules and encourage them to comply.

39. Violation of rules of conduct can result in loss of visiting privileges.

MAIL:

1. Your mailing address is:

Your name and booking number
P.O. Box 87
Pleasanton, California 94566

2. All inmates may write to the Sheriff or jail officials to express any grievance. This mail will not require postage.

3. Inmates shall have no limit on the number of letters they may send or receive, nor shall there be a limit on the number of pages in a letter:

a. Each letter must show the name and address of the sender on the outside of the envelope.

b. Outgoing letters to attorneys, judges, government officials (federal, state, or local) may be sealed by the inmate prior to mailing.

c. Outgoing letters to persons other than those listed in (b) above, shall be submitted by the inmate, unsealed. Letters will be inspected, then sealed and mailed by the Sheriff's personnel.

d. Incoming mail, except that from judges, will be opened and inspected and will be delivered to the addressee in the normal manner.

4. Money should be sent to you only in the form of money orders. No checks of any kind will be cashed here. Personal checks will be returned to the sender, and other checks will be placed in the inmate's property envelope. Money orders sent must be made out as follows: Pay to the order of Sheriff's Department, Alameda County, for the account of (inmate's name and booking number).

5. Mail will be delivered only to the inmate addressee. You will be required to identify yourself at the time mail is delivered.

6. Envelopes, stamps, and writing materials are sold in the commissary. Inmates with less than \$1.00 may obtain writing materials from "Free Line" for necessary correspondence.

7. Mail directed to the probation officer may be addressed to the Probation Office at Santa Rita and will require no postage. Such mail will be delivered by Santa Rita personnel to the Probation Office for forwarding.

8. Mail will be sent and received only through regular channels. It is unlawful to send letters out of this institution, or receive letters into this institution, in any other manner.

9. Parcels or packages sent through the mail are prohibited with the following exceptions: Legal references, textbooks, periodicals, magazines, and books that are approved as mail matter by the U.S. Postal Authorities will be accepted from publishers.

CORRECTIONS SERVICES:

There is a Correction Services Officer on duty at Santa Rita seven days a week with the exception of holidays. He is available to assist inmates in the filing of applications for Sheriff's Parole, Work Furlough, employment, and schooling. The Corrections Services Officer will also counsel and assist inmates with personal problems that may arise while they are in custody.

(EXHIBIT D OMITTED IN PRINTING)

EXHIBIT E

ALAMEDA COUNTY SHERIFF'S DEPARTMENT

**From: H.T. Garrigan, Chief Date: June 12, 1975
To: COMMANDING OFFICERS
CONCERNED PERSONNEL**

**Subject: SPECIAL ORDER 75-2 (Detention & Corrections
Division) MAIL REGULATIONS FOR INMATES**

Effective immediately, the following rules for inmate mail handling will prevail:

1. This order supersedes all previous orders.
2. Mail shall not be read; it will only be inspected for contraband.
3. All inmates may write to the Sheriff or jail officials. This mail will not require postage.
4. Money should be sent to inmates only in the form of money orders. If cash is received through the mail, it will be accepted, properly receipted, and posted to the inmate's account. The receipt will be delivered to the inmate. Personal checks will be returned to the sender with a copy of Form PD

177. Other checks will be receipted on a Property Receipt From PD 112 and the check with the 2nd and 3rd copy of the receipt will be placed in the inmate's proper'y envelope. The original of the receipt form will be delivered to the inmate with his mail. No checks are to be cashed at the detention facility.

5. Mail is to be delivered to the addressee. Inmates must identify themselves before mail is delivered.

6. Envelopes, stamps and writing materials may be purchased at Commissary. Inmates with less than \$1.00 may obtain writing materials from "Free Line."

7. Mail directed to a probation officer may be addressed to the Probation Office at Santa Rita and will require no postage. This mail will be delivered to the Probation Office at Santa Rita for forwarding.

8. With the exception of legal references, textbooks, periodicals, magazines, and books that are approved by U.S. Postal Authorities for movement through the mail, packages and parcels are prohibited. Any packages that are received will be opened and the contents listed on Property Receipt From PD 112. The contents will be stored. The original of the receipt will be delivered to the inmate with his mail. All packages containing perishable items will be returned to the sender if acceptable by the Post Office. If items are not acceptable, the items will be disposed of as directed by the Watch Commander.

9. Letters received from attorneys, government officials (federal, state, or local) must be opened and inspected in the presence of the inmate. Mail from judges should not be opened or inspected. If the letter is not marked to indicate the sender, it will be opened and inspected. If it is from a judge, the envelope should be retained.

A. All other mail received for inmates will be opened, inspected for contraband; cash, checks, or money orders removed for processing, and the letter delivered without unnecessary delay. The letter will be stamped "inspected". The inmate does not need to be present during inspection or opening of this mail.

10. Outgoing letters to judges, attorneys, elected officials (federal, state, or local), attorney generals, the Sheriff, jail officials, or a probation officer may be sealed by the inmate prior to mailing.

A. All other outgoing letters shall be **inspected** for contraband, stamped "inspected", and mailed through normal channels.

11. There will be **no limit** on the number of letters an inmate may send or receive.

12. There will be **no limit** on the number of pages in each letter.

13. Each letter must show the name and address of the inmate on the outside of the envelope.

14. Mail is to be sent and received through regular channels only. No Deputy or other employee is to accept incoming mail for any inmate or outgoing mail from any inmate or other person except through regular channels.

(EXHIBIT F OMITTED IN PRINTING)

EXHIBIT G

THE BOARD OF SUPERVISORS
OF THE COUNTY OF ALAMEDA,
STATE OF CALIFORNIA

THE FOLLOWING RESOLUTION WAS ADOPTED:
NUMBER 161935

APPROVE PILOT PROGRAM — SANTA RITA
REHABILITATION CENTER TOURS

WHEREAS, this Board of Supervisors is in receipt of the following communication from the Alameda County Sheriff:

(Letter Omitted in Printing. See Appendix, pp. 25-27)

NOW, THEREFORE, BE IT RESOLVED that this Board of Supervisors does hereby approve the implementation of a six-month pilot program by the Alameda County Sheriff of guided three-hour tours through all major facilities at the Santa Rita Rehabilitation Center, Pleasanton, California, on a monthly basis, to be scheduled on the evening of the second Monday of each month, beginning with July 14, 1975, such program to be funded as set forth in the foregoing communication; and

BE IT FURTHER RESOLVED that the guided tours shall be subject to the following regulations:

1. Each tour shall be limited to a maximum of 25 persons.

2. Arrangements must be made in advance with the Sheriff Department by calling 828-5400, Extension 67, between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday.

3. All persons must be at least 18 years of age and may be subject to search prior to entering the facility.

4. No cameras or tape recorders shall be allowed.

5. The tours shall begin promptly at 6:30 p.m. on each of the following nights: July 14, 1975, August 11, 1975, September 8, 1975, October 13, 1975, November 10, 1975 and December 8, 1975.

(CERTIFICATION OMITTED IN PRINTING)

AFFIDAVIT OF GEORGE A. MATZEK

George A. Matzek, being first duly sworn, deposes and says:

1. That he is a Lieutenant in the Sheriff's Department, County of Alameda, State of California.

2. That pursuant to instructions from the Sheriff, your affiant has interviewed the officials of the State of California's prison at San Quentin with respect to public tours and public access to that facility, and has been told the following:

Currently, San Quentin conducts 24 dinner tours for the public each year, which are intended primarily for organized groups such as recognized citizens groups, universities, churches, law students, bar associations, and law enforcement organizations. There is approximately a one-year waiting period for these dinner tours. There is no other public access (as distinguished from media access) to San Quentin. The rules for those tours, as of May, 1975, are attached hereto marked Exhibit "A", and by this reference incorporated herein as if set forth at length. It will be noted that no cameras are permitted. The specific instructions for the tour for June 14, 1975, are attached marked Exhibit "B", and by this reference incorporated herein as if set forth at length. It will be noted that there is no contact with inmates, as the inmates are moved until the visitors have cleared the various areas.

Dated: July 9, 1975

GEORGE A. MATZEK

GEORGE A. MATZEK

(JURAT OMITTED IN PRINTING)

May, 1975

EXHIBIT A**CALIFORNIA STATE PRISON
SAN QUENTIN**

The following will apply to dinner-tour visits:

1. These visits are held on Saturday evenings. Visit consists of a tour, dinner and inmate entertainment. The person responsible for each group must arrive at the institution by 4:45 p.m., the balance of the group not later than 5:15 p.m. The group leader will be required to identify each member of his/her group, and each member of the group will be screened by means of a metal detector, and handbags may be subjected to search. Visitors are urged to have as few metal objects in their possession as possible.

2. Charge for the dinner is \$4.00 per person. When a date has been set for your visit a form will be sent to you, which is to be returned with one check (certified or cashier's check) in payment for the total group. **PAYMENT IS TO BE MADE ONE MONTH PRIOR TO THE VISIT.** If, for institutional reasons the visit is cancelled, refund will be made.

3. The tour is long, and elderly or infirm persons should be discouraged from participating in these visits.

4. The State of California will not be responsible for any injuries sustained in the course of the visit.

5. Hostages will not be recognized for bargaining purposes.

6. Visitors may arrange transportation either in buses or private cars; in either case, parking will be in our employee parking lot to which you will be directed by the entrance-gate officer.

7. Handicraft articles will be for sale, but checks are not acceptable.

8. No tipping is permitted in the institution, and contacts with inmates likewise is not permitted.

9. No one who has been convicted of a felony may visit.

10. Visitors may not bring cameras, weapons, including pocketknives, narcotics or alcoholic beverages into the institution, nor will anyone under the influence of alcohol or narcotics be admitted.

11. Visitors are expected to be appropriately attired. Men visitors will not be admitted if wearing blue or black jeans.

12. Although approval is given to your visit, the institution reserves the right to refuse entry to the prison, if, in the judgment of the person responsible for the tour there is good and sufficient reason for such refusal.

13. These programs are for adults; but under no circumstances will anyone under the age of 16 years be admitted.

R. M. REES

R.M. REES,
Warden

EXHIBIT B

INTER-DEPARTMENTAL COMMUNICATION
CALIFORNIA STATE PRISON AT SAN QUENTIN

Date: May 16, 1975

To: ASSOCIATE WARDEN CUSTODY

From: H.G. WATKINS
CORRECTIONAL LIEUTENANT
SECOND WATCH COMMANDER

Subject: DINNER-TOUR
SATURDAY, JUNE 14, 1975

On the above date, approximately 200 men and women will arrive at the institution at about 6:00 p.m. They are to be escorted on a tour, served dinner in the south dining room, and provided a program of inmate entertainment.

The visiting group will assemble at the inspectoscope gate where they will be passed through the metal detector. At approximately 6:20 p.m., they will be escorted by the Officer of the Day and two (2) assigned escort officers to the front witness room of the gas chamber where they will be met by the Outside Sergeant, who will stamp them with fluorescent ink and count them in. They will then pass from the chamber through the rear rooms and into and through the North Block Rotunda where they will be met by the Watch Sergeant and counted into the North Block. The tour will traverse the yard side of the first tier exiting via the west yard door. All inmates housed on the three bottom tiers of the housing unit will be moved to the north side of the block until the visitors have cleared the building.

Upon exiting the North Housing Unit, the visitors will pass through the truck gate, past the Yard Office to the Catholic Chapel. The group will walk through the Catholic Chapel and proceed to the Protestant chapel where a previously

prepared program of not more than one-half (½) hour in length will then be presented under the direction of the band instructor. At the conclusion of this program the officer of the day will hold a question and answer session.

The group will then proceed down the roadway past the dungeon, entering the industrial area through the gate under Wallpost "8". An officer will count the group into the area. It will be necessary to have another officer present at the gate to unlock and lock the gate and doors to the furniture factory and maintenance vocational building. The group will then pass into the furniture factory through the south door, tour the factory and exit through the truck door at the west end of the factory.

The group will then proceed via the roadway around the south end of the old navy building, through the double wire gate to the east door of the maintenance vocational building, passing through that building and exiting from the south truck delivery door. They will then proceed to the area of #6 wall where they will be counted out of the industrial area. It will be necessary for an officer to be present to unlock and lock the gate and count the group. From there the group will continue to the vocational landscape area, from the landscape area the group will proceed on the roadway passing the laundry and continue to the gymnasium, entering the north west door and exiting the main door. The group will proceed up the kitchen ramp into the kitchen yard. All inmates will be removed from the kitchen and kitchen yard area. The West Block officer will maintain security at the West Block yard gate.

They will then proceed through the kitchen to the South Dining Room. They will be conducted down the center aisle of section #4, across the South end of section #3 and conducted into the serving lines of that section, where they will be served a previously prepared menu. At the conclusion of the dinner the group will proceed from the south dining hall through the kitchen to the north dining hall, (multi-purpose room), then out the north door of the dining hall to

the main yard, through the truck gate past the Yard Office and leave the walled area via the Pedestrian Gally Port gate, being again counted and having their hands floresced.

H.G. WATKINS

H.G. WATKINS,
Correctional Lieutenant -
Second Watch Commander

(CARBON COPIES OMITTED IN PRINTING)

(DECLARATION OF SERVICE
OMITTED IN PRINTING)

* * *

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

(TITLE OMITTED IN PRINTING)

AFFIDAVIT OF COUNSEL
REGARDING AVAILABILITY
OF TOURS

STATE OF CALIFORNIA

COUNTY OF SAN FRANCISCO

} ss.

WILLIAM BENNET TURNER, being duly sworn, deposes and says:

1. I am a member of the Bar of this Court and an attorney for plaintiffs in this action.
2. On July 16, 1975, I telephoned the number stated in the Sheriff's press release for reservations for the guided tours, and asked whether any tours were available for the balance of this year. The person handling this matter in the Sheriff's office informed me that all of the tours were

completely filled for the rest of the year and that they had been filled since July 14. The person suggested that I might try calling back around November to see whether any further tours would be scheduled, but she doubted whether any such tours would be scheduled.

I inquired what kinds of people were filling the tours and was informed that ordinary citizens were taking most of the places.

WILLIAM BENNETT TURNER

WILLIAM BENNETT TURNER

(JURAT OMITTED IN PRINTING)

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

(TITLE OMITTED IN PRINTING)

**SECOND AFFIDAVIT OF
MELVIN S. WAX**

STATE OF CALIFORNIA

COUNTY OF SAN FRANCISCO

55.

MELVIN S. WAX, being duly sworn, deposes and says:

1. I am the Anchorman for the Newsroom program on KQED, Channel 9. I have been attempting to gain access to the Alameda County jail facilities at Santa Rita since March, 1975, for the purpose of following a developing news story described in my previous affidavit in this action.

2. On July 8, 1975, I received a telephone message from William Turner, the attorney for plaintiffs in this case, stating that a tour would be held at Santa Rita on July 14, and suggested that I telephone a certain number and sign up for the tour if I wished to go. On the morning of July 9, 1975, I called and made a reservation for the tour.

3. On July 14, 1975, I went to Santa Rita for the guided tour. About 25 persons were on the tour. At Santa Rita I met other television newsmen whom I know personally, from Channel 5 and Channel 7. They had their cameras with them that were not allowed into Santa Rita.

4. At the outset of the tour, the group was given the "ground rules". We were admonished that we could not talk to any inmates at all. We were also admonished that we could not have cameras and tape recorders with us.

5. The group was accompanied by about 12 deputies and staff persons. The tour was obviously well prepared from a public relations point of view.

6. The tour went through most, but not all, of the Santa Rita facilities. One of the facilities not included on the tour was "Little Greystone". We at KQED had received information that this medium security facility had been the site of violence and allegedly poor conditions, but we were not able to see the facility at all. We were able to see the "Big Greystone" cells. However, there were no prisoners in the cells and thus an element of realism was lacking.

7. We were offered still photographs of various facilities for purchase at \$2 each. Comparing the photographs (I purchased 10 of them) with the actual facilities, I found that the photographs were very sterile and unrealistic. The pictures did not fairly and accurately represent the reality of the facilities. For example, in the picture of a Greystone cell, the open grating and catwalk over the cell are not shown at all in the photograph. In reality, prisoners in such cells have no privacy at all because the guards view them through the grating from the catwalk above; but this does not appear from the photograph. Similarly, the photograph of the day room at the "Big Greystone", while showing a television set, does not show the television monitors that keep the inmates under constant surveillance; nor does it show the open toilets.

8. Based on my experience as a journalist and a television reporter, it is my opinion that the tours provided by the Sheriff for the public and press are inadequate to meet the need to gather and accurately report the news regarding Santa Rita. The following are the principal problems:

(a) The tours are completely guided. Thus, we were able to see only what the deputies and staff allowed us to see. As pointed out in my previous affidavit in this action, other jails and prisons have permitted considerably more freedom for reporters to view and investigate conditions in the various facilities. A guided tour is in my opinion inconsistent with the responsibilities of the inquiring press.

(b) Because we were admonished not to speak to any prisoners, we were completely unable to learn the "other side" of what the deputies and staff were telling us. In fact, we were not allowed to get very close to any prisoners and had no opportunity even to see them in their normal living conditions, at least in Greystone.

(c) The prohibition against having cameras and tape recorders discriminates against reporters for television and radio. Print journalists were allowed to bring their notebooks and pencils — all the tools of their trade — but television and radio journalists were deprived of their necessary tools. Moreover, as noted above, the photographs provided by the jail did not fairly and accurately represent the reality of conditions at Santa Rita. Finally, KQED has, as set forth in my previous affidavit in this case, frequently used cameras — both television and still — in jails and prisons in the Bay Area, without any security problem at all.

(d) The fact that the guided tours are on a regular schedule, limited to once a month, and the fact that reporters are required to sign up perhaps months in advance makes it impossible for reporters to follow developing news stories. For example, this case began because KQED was attempting to follow up a story of suicide and alleged poor

conditions at Santa Rita in March. Obviously, news stories will not coincide with the schedule of tours provided by the Sheriff. But no other access is being offered to the press.

MELVIN S. WAX
MELVIN S. WAX

(JURAT OMITTED IN PRINTING)

* * *

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

(TITLE OMITTED IN PRINTING)

AFFIDAVIT

STATE OF CALIFORNIA

COUNTY OF ALAMEDA

}

ss.

BRUCE HENDERSON, being duly sworn, deposes and says:

1. I am a reporter for The Independent, a newspaper published three times weekly. I have previously made an affidavit in this action, dated June 10, 1975, in support of plaintiffs' motion for a preliminary injunction.

2. At about noon on July 10, 1975, I telephoned the office of the Sheriff of Alameda County, asked for the extension listed on the Sheriff's press release regarding public tours of Santa Rita, and inquired about signing up for the forthcoming tour on July 14. I was informed that the tour for July 14 was completely booked. I was also informed that the tour for August 11 was completely booked. I was able to sign up for the tour of September 8, but I was told that the only reason I was able to get on that tour was because there had been cancellations.

3. As a member of the working press, I can state that the Sheriff's requirement that reporters sign up months in advance for guided tours of jail facilities clearly handicaps the ability of the press accurately and fully to report on jail conditions and, in particular, to follow developing stories at the jail.

BRUCE HENDERSON

BRUCE HENDERSON

(JURAT OMITTED IN PRINTING)

* * *

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

(TITLE OMITTED IN PRINTING)

AFFIDAVIT OF
WILLIAM SCHECHNER

STATE OF CALIFORNIA
COUNTY OF SAN FRANCISCO } ss.

WILLIAM SCHECHNER, being duly sworn, deposes and says:

1. I am a reporter for Newsroom, the regular daily news program presented by KQED, Inc. on Channel 9 in San Francisco. In my capacity as news reporter, I have frequently done stories on jails and prisons in the San Francisco Bay Area. On numerous occasions I have done such stories on location in the jails and prisons, and I have interviewed both officials and inmates.

2. On July 18, 1975, I was assigned to do a news story dealing with the recommendation by the State Bar of California that San Quentin Prison be closed. At about 11

a.m. on July 18, I telephoned San Quentin and spoke with the official who was acting as public information officer on that day. I inquired whether I and a cameraman could come to San Quentin, film conditions there and interview the warden. The official stated that this would be "hard to arrange" because it would be necessary to find officers to escort us. However, the official called back in about 45 minutes and stated that it had been arranged.

3. Later in the day on July 18, I went to San Quentin with a cameraman who carried a 16mm sound camera. Also present were reporter Tim Findley and a television cameraman from Channel 7. We inspected several facilities in the San Quentin complex, and took live shots of the facilities, prisoners in the main exercise yard, etc. To my knowledge, there were no special security precautions and no security problems were created by our presence. On the same day, we did an interview with Warden Rees at San Quentin regarding conditions there. The story was presented on the Newsroom program the same evening.

4. In my opinion, based on my experience as a television news reporter, the ability to present film of actual conditions at San Quentin significantly enhanced my ability to convey to the public, on the news program, the actual conditions at San Quentin. To have covered this and similar prison stories without film would, in my opinion, deprive the story of much of its impact as a means of communication of the information to the public.

WILLIAM SCHECHNER

WILLIAM SCHECHNER

(JURAT OMITTED IN PRINTING)

APPENDIX

ORIGINAL FILED
NOVEMBER 20, 1975

CLERK, U. S. DIST. COURT
SAN FRANCISCO

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

KQED, INC., et al.,
Plaintiffs,
v.
THOMAS L. HOUCHINS,
Defendant. } C-75-1257-OJC

MEMORANDUM AND ORDER
GRANTING MOTION FOR
PRELIMINARY INJUNCTION

On June 17, 1975 plaintiffs KQED and two local branches of the National Association for the Advancement of Colored People filed a civil rights complaint against the Sheriff of Alameda County, alleging deprivation of First and Fourteenth Amendment rights by virtue of defendant's exclusion of KQED news personnel from the Alameda County Jail at Santa Rita. Plaintiffs concurrently filed a motion for preliminary injunction. At a conference in chambers the Court indicated an intention to issue a preliminary injunction and urged the parties to arrive at mutually agreeable terms. Upon their failure to do so, an evidentiary hearing was held. Based upon testimony taken at the hearing and presentation of a substantial body of documentary evidence, today the Court grants injunctive relief.

A summary of the background of this case facilitates understanding of the Court's rationale for granting such relief. The complaint alleged that KQED, as a local

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non-profit, publicly-supported corporation engaged in educational television and radio broadcasting, has a long-standing concern with prisons and jails in the San Francisco Bay Area and has regularly reported on newsworthy events at such institutions. On March 31, 1975 KQED's Newsroom program reported the suicide of an inmate in the Greystone portion of Santa Rita, together with certain allegations made by a Santa Rita psychiatrist as to jail conditions. Newsroom's anchorman requested permission of Sheriff Houchins to inspect the Greystone facility and was refused on grounds of "policy". The complaint further alleged that such refusal was arbitrary and served no legitimate public interest. Plaintiffs sought an order enjoining defendant from excluding KQED from covering newsworthy events at Santa Rita, including the Greystone portion of the jail.

As of July 14, 1975 the Sheriff began implementation of a program of monthly public tours of Santa Rita, with reservations on a first come, first served basis. Ground rules for the tours included a prohibition of any conversation with inmates and a ban on cameras and tape recorders. In opposing the motion for preliminary injunction defendant has contended that the public tours, together with the inmate's mail and visiting privileges, afford adequate media access.

In so contending, defendant has placed great reliance on *dictum* from *Pell v. Procunier*, 417 U.S. 817, 834 (1974) to the effect that "newsmen have no constitutional right of access to prisons or their inmates beyond that afforded the general public." In *Pell* the Supreme Court upheld a California State Prison regulation prohibiting interviews with individual inmates specifically designated by representatives of the press. The Court found a substantial government interest in curtailing the practice of concentrating attention on a small number of inmates who thereby had become "public figures" within the prison and the source of severe disciplinary problems. However, the Court carefully noted that the subject regulation was not designed to frustrate media investigation and reporting of prison conditions and

that the media has access not only to a program of public tours but also to interviews of inmates selected at random — precisely the access sought by plaintiffs in this case. Therefore, this Court reads *Pell* as standing for the proposition that a prison or jail administrator may curtail media access upon a showing of past resultant disruption or present institutional tensions. Defendant has not made such a showing in this case.

Defendant's presentation at the evidentiary hearing focused on the program of public tours, tracing the tours' itinerary and introducing photographs of the jail which are offered for sale at the tours' conclusion. There was testimony that the tour groups, which are limited to twenty-five persons, include people from all walks of life. Sheriff Houchins admitted that funding by the Board of Supervisors has not been secured for the tours beyond this December, although he intends to urge continued funding of an expanded program. Plaintiffs argued, however, that all tours were completely booked shortly after their announcement and thus KQED presently has no access to the jail. Moreover, plaintiffs' witnesses stressed the inadequacy of the tours for media purposes because of the lack of opportunity to photograph conditions, interview inmates and cover newsworthy events as they occur. As developed at the hearing, not only do the public tours fail to enter certain areas of the jail, but the photographs offered for sale omit certain of the jail's characteristics, such as catwalks located above the cells.

Inadequacy of the present Santa Rita press policy seems more apparent in view of the testimony of San Francisco County Sheriff Richard Hongisto and San Quentin's Public Information Officer William Merkle. Sheriff Hongisto permits media interviews of inmates at the four jails under his jurisdiction and has not experienced any resultant disruption. Mr. Merkle testified that San Quentin inmates are interviewed by the media with no security or prison administration problems. Their testimony indicates that a more flexible press policy at Santa Rita is both desirable and attainable.

Sheriff Houchins admitted that because Santa Rita has never experimented with a more liberal press policy than that presently in existence, there is no record of press disturbances. Furthermore, the Sheriff has no recollection of hearing of any disruption caused by the media at other penal institutions. Nevertheless Sheriff Houchins stated that he feared that invasion of inmates' privacy, creation of jail "celebrities," and threats to jail security would result from a more liberal press policy. While such fears are not groundless, convincing testimony was offered that such fears can be substantially allayed.

As to the inmates' privacy, the media representatives commonly obtain written consent from those inmates who are interviewed and/or photographed, and coverage of inmates is never provided without their full agreement. As to pre-trial detainees who could be harmed by pre-trial publicity, consent can be obtained not only from such inmates but also from their counsel. Jail "celebrities" are not likely to emerge as a result of a random interview policy. Regarding jail security, any cameras and equipment brought into the jail can be searched. While Sheriff Houchins expressed concern that photographs of electronic locking devices could be enlarged and studied in order to facilitate escape plans, he admitted that the inmates themselves can study and sketch the locking devices. Most importantly, there was substantial testimony to the effect that ground rules laid down by jail administrators, such as a ban on photographs of security devices, are consistently respected by the media.

Thus upon reviewing the evidence concerning the present media policy at Santa Rita, the Court finds the plaintiffs have demonstrated irreparable injury, absence of an adequate remedy at law, probability of success on the merits, a favorable public interest, and a balance of hardships which must be struck in plaintiffs' favor.

In fashioning the form of preliminary injunction, however, the Court has carefully refrained from usurping the Sheriff's role as jail administrator. By way of this Memorandum the

Court merely notes that meaningful press access to a jail includes some use of cameras and inmate interviews. The specific methods of implementing such a policy must be determined by Sheriff Houchins. Of course, should a situation arise in which jail tensions or other special circumstances make such implementation dangerous, defendant can restrict media access for the duration of such circumstances. If plaintiffs believe that a dangerous situation does not in fact exist, they are likewise free to make such a showing to the Court.

Accordingly, IT IS ORDERED that plaintiffs' motion for a preliminary injunction be, and the same is, hereby granted, subject to the restrictions set forth in the form of preliminary injunction.

Dated: November 19th, 1975.

OLIVER J. CARTER
UNITED STATES DISTRICT JUDGE

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NOVEMBER 20, 1975

CLERK, U. S. DIST COURT
SAN FRANCISCO

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

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|---------------------|-------------|---------------|
| KQED, INC, et al., | Plaintiffs, | C-75-1257-OJC |
| v. | | |
| THOMAS L. HOUCHINS, | Defendant. | |

PRELIMINARY INJUNCTION

In accordance with the Memorandum and Order in the above-captioned action, and good cause appearing therefor,

IT IS HEREBY ORDERED that defendant Thomas L. Houchins, his agents, subordinates, employees and all other acting in accordance with him are preliminarily enjoined during the pendency of this action from excluding as a matter of general policy plaintiff KQED and responsible representatives of the news media from the Alameda County Jail facilities at Santa Rita, including the Greystone portion thereof, or from preventing KQED and responsible representatives of the news media from providing full and accurate coverage of the conditions prevailing therein.

IT IS HEREBY FURTHER ORDERED that defendant is preliminarily enjoined from denying KQED news personnel and responsible representatives of the news media access to the Santa Rita facilities, including Greystone, at reasonable times and hours.

IT IS HEREBY FURTHER ORDERED that defendant is preliminarily enjoined from preventing KQED news personnel and responsible representatives of the news media from utilizing photographic and sound equipment or from utilizing inmate interviews in providing full and accurate coverage of the Santa Rita facilities.

IT IS HEREBY FURTHER ORDERED that defendant may, in his discretion, deny KQED and responsible representatives of the news media access to the Santa Rita facilities for the duration of those limited periods when tensions in the jail make such media access dangerous.

Dated: November 19th, 1975.

OLIVER J. CARTER
UNITED STATES DISTRICT JUDGE